



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,895	05/23/2000	Jason B. Thomas	1766.0030000	4507

7590 12/03/2003

Supervisor, Patent Prosecution Services  
PIPER RUDNICK LLP  
1200 Nineteenth Street, N.W  
Washington, DC 20036-2412

EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 12/03/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/576,895

Applicant(s)

THOMAS ET AL.

Examiner

Oanh L. Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Claims 1-4 and 6-12 are presented for examination.

Claims 5 and 13 have been canceled.

### ***Response to Arguments***

1. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Examiner respectfully requests applicants to submit an interview summary granted on May 22, 2003.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buck et al (Buck) (US 6078,866) in view of Kirsch (US 5659732).

Regarding claims 1 and 11, Buck discloses a method for analyzing the e-commerce competition of an entity (see col. 3 lines 53-57) comprising the steps of collecting pages that are commonly transmitted over a computer network (see fig. 5 col. 5 lines 43-45); collecting external data not directly retrieval from said pages (see col. 7

lines 58-60); classifying said pages using said external data and said pages according to a series of predetermined entity-specific metrics defining information relevant to the entity (see col. 2 lines 57-67 and col. 5 lines 43-67); and delivering benchmark for the entity (see col. 6 lines 6-41) and obtain a list of benchmarks for other entities (e.g., see col. 4 lines 40-48); generating a report comparing said benchmarks, wherein said report compiles the analyzed statistics from said pages and prioritizes said pages using the metrics to combine said analyzed statistics and said external data (e.g., col. 5 line 62- col. 6 line 11 and col. 10 lines 45-55). Buck does not specifically teach measure and compare number of occurrences as claimed. However, Kirsch teaches measure the number of occurrences that each of said pages falls within each of said series of predetermined metrics (see col. 2 lines 24-49), wherein said measuring step comprising parsing content of said pages and searching for least one keyword (e.g., see col. 3 lines 11-40); scoring said subset of said pages utilizing at least one key word and analyzed statistics based on a mount of key words found on a page (e.g., see col. 3 lines 47-61), and comparing said number of occurrences that each of said page falls within each of said series of predetermined metrics to a predetermined n-list of values for each of said series of predetermined metrics, wherein said n-list represents a selective sampling in order to compare entity (see cols 2-4 lines 49-23). The motivation to combine the teachings of Kirsh in Buck is explicitly suggested by Buck (see col. 9 lines 14-48)

Regarding claim 2-4 and 12, Buck discloses Internet, intranet or extranet (see col. 5 lines 31-42).

Regarding claim 6, Buck teaches a system for analyzing the e-commerce competition of an entity (e.g., see fig. 4B), comprising a downloader for searching a computer network, wherein said computer network contains pages of content (e.g., see col. 1 lines 47-55); a page processing module coupled to said downloader for receiving page downloaded from a search or said computer network, said page processing module identifying a set of downloaded pages (e.g., see col. 9 line 66-col. 10 line 8); an archive for storing the page of said set of downloaded page (e.g., see col. 5 lines 42-51); and database for allowing said page processing module to perform queries relating to said set of downloaded page from said each of said list of page, stored on said archive, in order to produce a report (e.g., col. 5 lines 42-61); wherein the queries are performed utilizing computer program code that parses content of said page using predetermined categories of key words and searches for at least one keyword in the predetermined categories (e.g., see col. 5 lines 43-61); therein the report comprises analyzed statistics from said page prioritized utilizing metrics defining relevant to the entity (e.g., col. 5 line 62-col. 6 line 11 and col. 10 lines 45-55); Wherein report is utilized to compare an entity's presence to at least one competitor's presence on said computer network (e.g., see col. 3 lines 53-57). Buck does not explicitly teaches scores said subset of said pages utilizing at least one key word and analyzed statistics based on an amount of key words found on a page. However, Kirsch teaches scores said subset of said pages utilizing at least one key word and analyzed statistics based on an amount of key words found on a page (e.g., see col. 3 lines 47-61). The motivation to

combine the teachings of Kirsh in Buck is explicitly suggested by Buck (see col. 9 lines 14-48).

Regarding claim 7-9, Buck discloses Internet, intranet or extranet (see col. 5 lines 31-42).

Regarding claim 10, Buck teaches a plurality of Web clients that provide a graphical user interface for a user to enter search criteria communicate with said downloader, thereby controlling said page processing module (e.g., see col. 5 lines 31-42).

**3. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**4.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703)

Art Unit: 2155

305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*al*

O.D  
November 30, 2003

*Hosain Alam*

**HOSAIN ALAM**  
SUPERVISORY PATENT EXAMINER